

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.1111 OF 2016

Mr.Sachin Gite for the applicant
Ms S.V.Sonawane, APP for the respondent No.1
Ms Chaitrali Deshmukh for respondent No.2

P.C.:

2 The prayer in this application under section
482 of the Code of Criminal Procedure, 1973 is for
quashing the First Information Report registered at
the instance of the second respondent for the
offences under clauses (X) and (XI) of the sub-
section 1 of section 3 of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
and sections 353, 354, 323 and 504 of the Indian
Penal Code. It appears that the applicant and the
second respondent are Union leaders. It is alleged
that the applicant who belongs to a higher caste

made video recording by using his camera while the Class-IV employees of Yeola Municipal Council were being assigned the work by the concerned department. When any objection was raised by the second respondent, the applicant uttered objectionable words.

3 The applicant and the second respondent are relying upon the deed of settlement dated 27th August 2015 signed by them as well by the the witnesses. It records that there are long standing disputes between the applicant and the second respondent for last ten years. Both of them filed various cases against each other and their respective family members. It is stated that to avoid any further dispute, there was a joint meeting held in presence of their respective relatives. It is agreed that all cases filed against each other should be withdrawn. The applicant and the second respondent are members of different Unions. They have agreed not to interfere with each other's work. The second respondent has filed an affidavit recording that he has no objection for quashing the criminal proceedings in view of settlement deed dated 27th August 2015.

4 Generally, the offences alleged under the said Act of 1989 are offences against the society at large. However, in the facts of the present case it is apparent that the allegations have been made by the second respondent against the applicant as a result of a long standing dispute between them.

Therefore, it is apparent that the offences alleged under the said Act of 1989 are not at all made out. The deed of settlement records the settlement of all the long standing disputes between the applicant and the second respondent. In view of settlement of long standing disputes, this is a fit case to exercise the power under section 482 of the Code of Criminal Procedure, 1973 in view of law laid down by the Apex Court in case of Gian Singh versus State of Punjab and another¹.

5 Accordingly, we pass the following order:

(I) Rule is made absolute in terms of prayer clause (a) which reads thus:

"(a) this Honourable Court may be pleased to quash the Charge Sheet bearing No.40 of 2014 filed before the learned Judicial Magistrate, First Class at Yeola, Taluka Yeola, District Nashik for the offence punishable under Sections 3(1), 3(10) and 3(11) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also for the offence punishable under sections 353, 354, 323 read with section 504 of the Indian Penal Code on such terms and conditions this Honourable Court may deem fit and proper."

(II) All concerned to act upon an authenticated copy of this order.

(A.A.SAYED, J.)

(A.S.OKA, J.)